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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,644	01/25/2001	Ofir Paz	14531.107.1.2	6756

22913	7590	06/04/2004

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EXAMINER
SHINGLES, KRISTIE D

ART UNIT	PAPER NUMBER
2141	7

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _31-50_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _31-50_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _27 July 1998_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _03/12/01_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Priority

1.   Acknowledgment is made of applicant's claim for domestic priority under 35 U.S.C. 120.

The certified copy has been filed in parent Application No. PCT/IL98/00349 filed on 07/27/98.

Information Disclosure Statement

2.   The information disclosure statement (IDS) submitted on 07/27/98 is in compliance with

the provisions of 37 CFR 1.97.   Accordingly, the information disclosure statement is being

considered by the Office.

Drawings

3.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because

reference character "30" has been used to designate both PROGRAM and PROGRAM II (in

Fig.2).   A proposed drawing correction or corrected drawings are required in reply to the Office

action to avoid abandonment of the application.   The objection to the drawings will not be held

in abeyance.

4.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they

do not include the following reference sign(s) mentioned in the description: 30'.   A proposed

drawing correction or corrected drawings are required in reply to the Office action to avoid

abandonment of the application.   The objection to the drawings will not be held in abeyance.

5.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 34, 36' and 70. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

6.   The abstract of the disclosure is objected to because of misnumbering: display element 5 should be 50. Correction is required. See MPEP § 608.01(b).

7.   The disclosure is objected to because of the following informalities:

On page 39, "c6mpressed" should read "compressed". Appropriate correction is required and will be assumed for further prosecution of this application.

Claim Objections

8.   Claim 40 is objected to because of the following informalities: typographic error, whereas "band-width" should read "bandwidth". Appropriate correction is required and will be assumed for further prosecution of this application.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10.   Claims 31, 33-38 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by

Payne et al (6,021,433).

      a.   Per claim 31, Payne et al teaches a software program for WWW page design,

comprising a computer readable medium having stored thereon:

- a restriction module which receives restrictions defining limitations imposed by a compression method to be used for displaying WWW pages (col.7, lines 43-col.8 lines 1-40; the content manager is responsible for determining the compression method used based on the types of information sent); and

- a design module, which lays out display elements, responsive to said received limitations (col.6, lines 28-44 and col.11, lines 60-col.12, lines 1-14; the central broadcast servers receive data packets from the information source and then transmit data to the message server design which lays out the display elements to the user's computers).

      b.   Per claim 33, Payne et al teaches a software according to claim 31, wherein said

restrictions include a bandwidth restriction, and wherein laying out of display elements

comprises selecting display elements to match said bandwidth limitations (col.17, lines 40-

col.18, lines 1-20; bandwidth limitations are considered when providing bandwidth optimization

which is dependent on the compression, tokens are generated to match the input data in response

to the compression algorithm which is also responsible for the selection and decompression of

the display elements).

c.   Per claim 34, Payne et al teaches a software according to claim 31, wherein said

media has stored thereon an automated WWW page generator for a WWW server (col.8, lines

15-25; the central broadcast server provides access to Internet servers via the WWW database).

d.   Per claim 35, Payne et al teaches a software according to claim 34, comprising a

communication module for receiving said restriction from a server associated with said

compression (Fig.2, col.8, lines 32-56; the content manager determines the compression methods

and communicates this information to the information gateway which in turn allows for access to

the information sources).

e.   Per claim 36, Payne et al teaches a compression-modified software for performing

at least one function and for generating at least one display, comprising a computer readable

media having stored thereon:

- a functional module which performs said function (col.17, lines 41-46 and col.20, lines 25-40; compressed data is transmitted from the central broadcasting server onto the broadcasting network for the user to acquire) ; and

- a compression-responsive module which receives an indication of restrictions related to a compression of said display and which controls said module to generate a display responsive to said indication, wherein said display is modified relative to a display generated without restrictions (col.3, lines 17-29; once compressed data has been transmitted, it is received on the user's computing device and then displayed according to the compression restrictions on the data).

f.   Per claim 37, Payne et al teaches software according to claim 36, wherein said

indication comprises a message from a computer on which said software is executed (col.3, lines

25-28, col.5, lines 40-51, and col.23, lines 6-42; the communications servers sends messages and

alerts to the user indicating the arrival of new compressed data).

g.   Per claim 38, Payne et al teaches software according to claim 36, wherein said

indication comprises a configuration file (col.29, lines 8-30, col.12, lines 55-67, and col.32, lines

1-18; functions of a configuration file are defined as containing information on another file or on

a specific user, as disclosed, a configuration file holds a user's desired modifications—the User

Preferences Dynamic Link Library achieves the function of maintaining the user's

activation/deactivation codes and specific preferences and furthermore allows for a remote

control interface for viewing the maintenance of user settings).

h.   Per claim 44, Payne et al teaches software according to claim 36, wherein said

function comprises a WWW browsing function (col.5, lines 55-col.6, lines 1-4; on-line browsers

include WWW browsing functions performed by the known or developing web browsers).

11.   Claims 45-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Purnaveja et al

(6,006,241).

a.   Per claim 45 Purnaveja et al teaches a method of advertisement, comprising:

- providing a compressed video stream, representing a display (col.2, lines 40-48; annotated multimedia streams can include compressed video streams for display);

- determining an available portion of said display (col.6, lines 36-48; the LiveScreen display template within the author module is customized for determining the layout of the display, hence the available portion); and

- inserting an advertisement into said available portion of said display, wherein inserting comprises manipulating said compressed video stream, without decompressing said compressed video stream (Abstract, col.3, lines 13-21 and col.6, lines 49-64; annotation streams are displayable events inserted/embedded and synchronized with the compressed video stream, the annotations can include textual/graphical information such as HTML-scripted web pages from web servers and can take two forms: data annotation streams and locator annotation streams—thus advertisements can appear in either data (i.e. ticker tape data) or locator (i.e. URL addresses) formats).

b.   Per claim 46, Purnaveja et al teaches a method according to claim 45, wherein providing a compressed video stream comprises converting a computer software generated display into said compressed video stream (col.2, lines 54-64 and col.5, lines 54-col.6, lines 1-11; the capture module is responsible for compression techniques used for conversion to compressed video streams).

c.   Per claim 47, Purnaveja et al teaches a method according to claim 46, comprising analyzing said display to determine said available portion (Fig.4A, col.6 lines 36-48 and col.8, lines 16-43; the LiveScreen display template is responsible for display analysis and implementation).

d.   Per claim 48, Purnaveja et al teaches a method according to claim 47, wherein analyzing said display comprises analyzing display commands generated by said software (col.8, lines 36-58; the LiveScreen display interacts with the event registry to analyze and interpret display commands of the software and compression method).

e.   Per claim 49, Purnaveja et al teaches a method according to claim 47, wherein said software comprises a WWW browser (Fig.6, col.5 lines 54-67 and col.8, lines6-15; software comprises a web browser also referred to as a WWW browser).

f.   Per claim 50, Purnaveja et al teaches a method according to claim 45, wherein said inserting is responsive to information associated with a viewer of said video stream (col.5, lines 46-48 and col.10, lines 19-33; embedding the annotation streams is dependent on the viewer from the LiveScreen display).

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness ejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13.   Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Payne et al

(6,021,433) as applied to claim 31 above, and further in view of Takahashi et al (5,229,862).

        a.   Whereas, Payne et al teaches a software program for WWW page design

comprising a computer readable media having stored thereon: a restriction module which

receives restrictions defining limitations imposed by a compression method to be used for

displaying WWW pages; and a design module, which lays out display elements, responsive to

said received limitations—Payne et al fails to teach on a software according to claim 31, wherein

said restrictions include a block-size definition. However, Takahashi et al disclose a compression

method which involves separating the data into blocks and processing as such (col.6, lines 11-

39).

        It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include restrictions defined by an imposed compression method with a

block-size definition, which encompasses various compression methods, in particular a

compression method disclosed by Takahashi et al where data is separated into blocks as a part of

its compression restrictions and defined limitations. It is for this reason that one of ordinary skill

in the art would have been motivated to include this compression method for playback of still

picture video.

14.   Claims 39-41 are rejected under 35 U.S.C 103(a) as being unpatentable over Payne et al
(6,021,433) as applied to claim 36 above, and further in view of Gardner et al (5,583,995).

a.   Per claim 39, whereas Payne et al teaches a compression-modified software for
performing at least one function and for generating at least one display, comprising a computer
readable media having stored thereon: a functional module which performs said function; and a
compression-responsive module which receives an indication of restrictions related to a
compression of said display and which controls said module to generate a display responsive to
said indication, wherein said display is modified relative to a display generated without said
restrictions—Payne fails to teach on software according to claim 36, wherein said modified
display is modified to meet a bandwidth requirement. However, Gardner et al disclose display
modifications which are dependent on the amount of available bandwidth required for the
requested display (col.14, lines 16-39, 62-col.15, lines 1-15).

It would have been obvious to one of ordinary skill in the art at the time the
invention was made to modify the display to meet a bandwidth requirement, in particular for
modifications to be based upon available bandwidth disclosed by Gardner et al. It is for this
reason that one of ordinary skill in the art would have been motivated to allow for modifications
dependent on the bandwidth for optimal use of the system's bandwidth and balancing.

b.   Per claim 40, whereas Gardner et al teaches software according to claim 39,
wherein said bandwidth requirement is an instantaneous bandwidth requirement (col.14, lines
40-45; the explicit or implicit bandwidth specification renders the bandwidth requirement
instantaneous since the available bandwidth is already known and ascertained at the time the
file/display is opened).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display to meet an instantaneous bandwidth requirement, in particular for the amount of available bandwidth to be readily implicit or explicit as disclosed by Gardner et al. It is for this reason that one of ordinary skill in the art would have been motivated to allow for modifications dependent on instantaneous bandwidth efficient bandwidth balancing.

c.   Per claim 41, whereas Payne et al teaches a compression-modified software for performing at least one function and for generating at least one display, comprising a computer readable media having stored thereon: a functional module which performs said function; and a compression-responsive module which receives an indication of restrictions related to a compression of said display and which controls said module to generate a display responsive to said indication, wherein said display is modified relative to a display generated without said restrictions—Payne fails to teach on software according to claim 36, wherein said modified display is modified to reduce resources required for compression. However, Gardner et al disclose modification taking the form of a reduction of data blocks retrieved due to a delay for a period of time (col.15, lines 33-48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify with regard to reducing the resources required for compression, particularly, reducing the amount of data blocks retrieved for compression as disclosed by Gardner et al. It is for this reason that one of ordinary skill in the art would have been motivated to allow for resource-reduction in order to provide for a more efficient use of the input/output resources in a system.

15.   Claims 42 and 43 are rejected under 35 U.S.C 103(a) as being unpatentable over Payne et

al (6,021,433) as applied to claim 36 above, and further in view of Purnaveja et al (6,006,241).

        a.   Per claim 42, whereas Payne et al teaches a compression-modified software for

performing at least one function and for generating at least one display, comprising a computer

readable media having stored thereon: a functional module which performs said function; and a

compression-responsive module which receives an indication of restrictions related to a

compression of said display and which controls said module to generate a display responsive to

said indication, wherein said display is modified relative to a display generated without said

restrictions—Payne fails to teach on software according to claim 36, wherein said display is

modified by moving at least one object, relative to its display location for a non-compressed

display. However, Purnaveja et al disclose display modification achieved through movement and

synchronization of video and annotation streams which can take the form of textual/graphical

data in the form of HTML pages displayable in one or more event windows (Abstract and col.5,

lines 40-58).

        It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify with regard to the movement of at least one object, particularly,

the movement of video streams and annotation streams displayable in one or more event

windows as disclosed by Purnaveja et al. It is for this reason that one of ordinary skill in the art

would have been motivated to allow for object-movement according to user preferences or for

consuming a minimal amount of computational cycles on the user's computer.

        b.   Per claim 43, whereas Payne et al teaches a compression-modified software for

performing at least one function and for generating at least one display, comprising a computer

readable media having stored thereon: a functional module which performs said function; and a compression-responsive module which receives an indication of restrictions related to a compression of said display and which controls said module to generate a display responsive to said indication, wherein said display is modified relative to a display generated without said restrictions—Payne fails to teach on software according to claim 36, wherein said display is modified by utilizing a different object for a compressed display than for a non-compressed display. However, Purnaveja et al disclose different types of display windows or objects that can be used for a modified compressed display event (col. 10, lines 1-7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the display by utilizing a different object, in particular, utilizing different display windows or objects as disclosed by Purnaveja et al. It is for this reason that one of ordinary skill in the art would have been motivated to allow for using different objects according to user preferences or for consuming a minimal amount of computational cycles on the user's computer.

Conclusion

16.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a.   Anigbogu et al. (6,021,198) disclosed an apparatus, system, and method for secure, recoverable, adaptably compressed file transfer.

b.   Rangan et al. (6,154,771) disclosed a real-time receipt, decompression and play of compressed streaming video/hypervideo; with thumbnail display of past scenes and with replay, hyperlinking and/or recording permissively initiated retrospectively.

c.   Kunkel et al. (5,961,603) disclosed an access system and method for providing interactive access to an information source through a networked distribution system.

17.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 703-605-4244. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER